

MAXINE TUCKER, *on behalf of herself
and others similarly situated*
1713 Ramblewood Road
Baltimore, Maryland 21239

Plaintiff,

v.

NATIONAL ENTERPRISE SYSTEMS INC.
29125 Solon Road
Solon, Ohio 44139-3442

SERVE ON: *Resident Agent*

THE CORPORATION TRUST INCORPORATED
351 West Camden Street
Baltimore, Maryland 21201

Defendant.

IN THE CIRCUIT COURT

OF MARYLAND

FOR

BALTIMORE CITY

CIVIL NO.:

24C-10-004274

* * * * *

COMPLAINT

NOW COME Class Plaintiff Maxine Tucker (*hereinafter*, "Tucker"), on behalf of herself and on behalf of the entire class of persons similarly situated, by and through her attorneys, Richard P. Seitz and The Law Offices of Barry R. Glazer, P.C., sues Defendant National Enterprise Systems, Inc. (*hereinafter* "NES"), and states:

CLASS ACTION ALLEGATIONS

1. Class Plaintiff Tucker brings this action as a class action pursuant to Maryland Rule 2-231 on behalf of a class comprising all current and former consumers who owed debts and were subjected to the debt collection procedures and practices of Defendant NES in the state of Maryland from January 1, 2009 to the present who have

been subject to Defendant NES's use of practices that are not in compliance with state and federal debt collection laws.

2. Excluded from the proposed Class are the officers and directors of Defendant NES; members of their immediate families; their legal representatives, heirs, successors, and assigns; and any entity in which Defendant NES has or had a controlling interest.

3. The members of the proposed Class are so numerous that their joinder is impracticable. The approximate size of the proposed Class is unknown and includes all those who owe consumer debts and who are subjected to the debt collection practices of Defendant NES in the State of Maryland. When Defendant NES attempts to collect on consumer debts, it follows procedures and/or uses practices that are not in compliance with state and federal debt collection laws.

THE NAMED PARTIES

4. Class Plaintiff Tucker is and was at all times relevant, an adult resident of Baltimore City, Maryland.

5. Defendant NES, is and was at all times relevant to this Complaint; a business entity duly licensed to do business in the State of Maryland, that in fact does business in this State; specifically, the collection of consumer debts.

JURISDICTION AND VENUE

6. This Court has jurisdiction over Defendant NES, pursuant to MD. CODE ANN., CTS & JUD. PROC., §6-103 because Defendant NES conducts business within Baltimore City, Maryland.

7. Venue lies with the Circuit Court of Maryland for Baltimore City pursuant to Courts and Judicial Proceedings Article, Section 6-201(b), because the relevant cause of action arose in Baltimore City, Maryland, and the amount in controversy is greater than five thousand dollars (\$5,000.00).

8. The total amount in controversy for each of the Class Plaintiffs is less than Seventy-Five Thousand Dollars (\$75,000.00). In addition, as master of their Complaint, Class Plaintiffs assert claims arising from federal law and the laws of the state of Maryland. The claims of the Class Plaintiffs and the proposed Class members are individual claims for violations of Maryland law described herein. These claims do not unite or enforce a single title or right to which the Class Plaintiffs and/or the proposed Class members have a common and undivided interest, but rather arise from Defendant NES's failure follow procedures and/or use practices that are in violation with state and federal debt collection laws.

**FACTS COMMON TO CLASS PLAINTIFF AND MEMBERS OF THE
PROPOSED CLASS**

9. Defendant NES is and was at all times relevant to this Complaint, a business entity duly licensed to do business in the State of Maryland, and in fact does business in this state, i.e. the collection of consumer debts.

10. Defendant NES violated Md. Code. Ann., Com., Law II §14-201, the Maryland Consumer Debt Collection Act to Class Plaintiff Tucker and all members of the proposed Class in attempting to collect a consumer debt from Class Plaintiff Tucker by repeatedly contacting and harassing Class Plaintiff Tucker's employer with respect to a delinquent indebtedness.

CLASS ACTION COUNT I – VIOLATION OF MD. CODE ANN., COM. LAW II,
§14-201, et. seq. ("MARYLAND CONSUMER DEBT COLLECTION ACT")

11. Class Plaintiff Tucker incorporates paragraphs 1 through 11 by reference, as if set forth fully herein, and states further:

12. By contacting Class Plaintiff Tucker's employer with respect to a delinquent indebtedness before obtaining final judgment against Class Plaintiff Tucker, attempting to communicate with Class Plaintiff Tucker at her place of employment and speaking to her supervisor with such a frequency that reasonably can be expected to harass the Class Plaintiff Tucker, Defendant NES violated the Maryland Consumer Debt Collection Act.

13. As a proximate result of Defendant NES's violations of the Consumer Debt Collection Act, Class Plaintiff Tucker has suffered damages, namely emotional distress and mental anguish.

14. Defendant NES violated the Maryland Consumer Debt Protection Act when attempting to collect a consumer debt from Class Plaintiff Tucker and other similarly situated members of Class Plaintiff Tucker's class, and as a result of the violation of the Act, Class Plaintiff Tucker and members of this proposed Class have suffered damages.

WHEREFORE: Class Plaintiff Maxine Tucker respectfully requests this Court:

- A. to certify this action as a class action and set this matter for trial;
- B. Awarding compensatory damages, including pain and suffering, in the amount of SEVENTY FOUR THOUSAND NINE HUNDRED NINETY-NINE DOLLARS AND NINETY-NINE CENTS [\$74,999.99] for emotional distress and mental anguish caused by Defendant NES.

- C. Granting declaratory and injunctive relief to Class Plaintiff Maxine Tucker and all others similarly situated, declaring the parties' rights and obligations to protect this class from further damage and harassment by Defendant NES.
- D. Awarding to Class Plaintiff Maxine Tucker and all others similarly situated all costs of this action; and
- E. Awarding such other and further relief as this court deems just and appropriate.

CLASS ACTION COUNT II – VIOLATION OF 15 U.S.C. §1692, et. seq. (“FAIR DEBT COLLECTION PRACTICES ACT”)

15. Class Plaintiff Tucker incorporates paragraphs 1 through 15 by reference as if set forth fully herein, and states further:

16. By attempting to contact Class Plaintiff Tucker repeatedly during a three to four hour period at an inconvenient and unusual place, i.e. her place of employment, and causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy or harass Class Plaintiff Tucker, Defendant NES violated the Fair Debt Collection Practices Act.

17. As a proximate result of Defendant NES's violations of the Fair Debt Collection Practices Act, Class Plaintiff Tucker has suffered damages, including emotional distress and mental anguish.

18. Defendant NES violated the Fair Debt Collection Practices Act when attempting to collect a consumer debt from Class Plaintiff Tucker and other similarly situated members of Class Plaintiff Tucker's proposed Class, and as a result of the violation of the Act, Class Plaintiff Tucker and members of this proposed Class have suffered damages.

WHEREFORE Class Plaintiff Maxine Tucker respectfully requests this Court:

- A. to certify this action as a class action and set this matter for trial;
- B. awarding compensatory damages, including pain and suffering, in the amount of
SEVENTY FOUR THOUSAND NINE HUNDRED NINETY-NINE
DOLLARS AND NINETY-NINE CENTS [\$74,999.99] for emotional distress
and mental anguish caused by Defendant NES.
- C. granting declaratory and injunctive relief to Class Plaintiff Maxine Tucker and all
others similarly situated, declaring the parties' rights and obligations to protect
this class from further damage and harassment by Defendant NES.
- D. awarding to Class Plaintiff Maxine Tucker and all others similarly situated all
costs of this action; and
- E. awarding such other and further relief as this court deems just and appropriate.

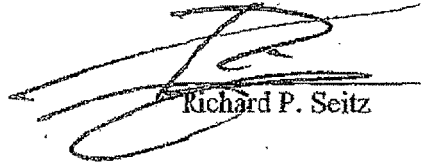
Respectfully Submitted,



Richard P. Seitz
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P.O. Box 27166
1010 Light Street
Baltimore, Maryland 21230
(410) 547-8568
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Class Plaintiff Maxine Tucker demands a trial by jury on all issues raised herein.



Richard P. Seitz